

LICENSE TO CARRY CONCEALED DEADLY WEAPONS IN KENTUCKY

Kentucky's license to carry concealed deadly weapons law became effective October 1, 1996 and is contained in KRS 237.110 through 237.136. The following summarizes the main provisions of the current law and includes the 1998, 2000 and 2002 amendments.

I. Deadly Weapons

The term includes items such as bombs, handguns and other firearms, knives (other than ordinary pocket knives and hunting knives), police batons, clubs, blackjacks, slapjacks, nunchaku karate sticks, shurikens or death stars, and artificial knuckles. (See KRS 500.080.)

II. License Requirements

To get a license a person must:

- Be at least 21 years old; and
- Have been a Kentucky resident for at least the last six months before applying.

A person is not eligible to get a license if that person:

- Is ineligible to possess a firearm under KRS 527.040 (Possession of a Firearm by a Convicted Felon).
- Is ineligible to possess a firearm under federal law (18 U.S.C. sec. 922(d)(1) or (g)), which applies to any person who: (1) is under indictment for or has been convicted of any felony; (2) is a fugitive from justice; (3) is an unlawful user of or is addicted to controlled substances; (4) has been judged by a court to be mentally defective or has been involuntarily committed to a mental institution; (5) is an illegal alien; (6) has been discharged from the Armed Forces under dishonorable conditions; (7) has renounced United States citizenship; (8) is currently subject to a domestic violence protective order; or (9) has been convicted by any court of a misdemeanor crime of domestic violence. For this law to apply, the possession must be in, or affecting, interstate or foreign commerce. Most firearm possession situations meet this requirement.
- Within the preceding three years:
 - Has been committed for abuse of controlled substances or has been convicted of a misdemeanor involving controlled substances;
 - Has two or more convictions for motor vehicle DUI or has been committed for alcoholism;
 - Has been judged by a court to be mentally incompetent or has been involuntarily committed to a mental institution; or
 - Has been convicted of the misdemeanor of Assault in the Fourth Degree or Terroristic Threatening

After a license has been issued, if any of the above takes place, the license will be suspended or revoked.

III. Licensing Procedures

An application for a license may be obtained from the Sheriff's Office in the county where the applicant lives. The application asks for the following information: name, address, place and date of birth, gender (sex), and social security number.

The application also contains statements that the applicant: (1) is eligible for a license (see "II. License Requirements", above); (2) has been furnished a copy of and is knowledgeable about KRS 237.110 (the basic licensing law); and (3) has been furnished a copy of, has read, and understands the provisions of KRS Chapter 503 relating to the use of deadly force in self-defense.

The application contains a warning that the applicant is signing the application under oath, and that providing false information may result in the applicant being charged with Perjury in the Second Degree, a Class A misdemeanor, (the applicant could go to jail for up to 12 months and be fined up to \$500).

The applicant must take, and successfully complete, the handgun training required for applicants. An applicant may ask at the Sheriff's Office for a list of certified instructors. Instructors are allowed to charge up to \$75 for the training plus up to \$10 for actual expenses incurred.

A trainer who certifies that an applicant has received training but who, in fact gave no training or insufficient training has committed a Class D felony (the trainer could go to prison for a period of 1 to 5 years). An applicant who receives a certificate of completion of training but who, in fact, did not receive any training or received insufficient training, must make a report to the local Sheriff, Commonwealth's Attorney or County Attorney no later than 30 working days after receiving the certificate. Failure to report is a Class A misdemeanor.

The applicant must return the completed application form to the Sheriff's Office with: (1) a recent color photograph; (2) a photocopy of a document showing that the applicant has successfully completed the handgun training; and (3) a \$60 application fee.

The Sheriff must forward the completed application and accompanying material within five working days to the Kentucky State Police. The State Police must issue or deny the license within 90 days of receipt. If denied, the State Police must notify the applicant that he or she may submit additional material within 30 days. The State Police must act on the additional information within 20 days. If the license is still denied, the applicant has 90 days from the date of the denial letter to ask the District Court in the applicant's county of residence to review the denial.

A license is good for five years. Renewal also costs \$60. Renewal procedures are similar to the original application procedures except that the applicant for renewal does not have to take the handgun training again.

IV. Regulation of License Holders

A. Duty to carry license; duty to display license

The license holder must carry the license any time he or she is carrying a deadly weapon concealed, and must show it to a law enforcement officer if requested. Failure to carry the license, or to display it, will result in a \$25 fine.

B. Change of address; loss or destruction of license

A license holder must notify the Kentucky State Police within 30 days of a change of permanent address or loss or destruction of the license. Failure to notify may result in a \$25 fine. A duplicate license may be obtained for \$15.

C. Places where license holders are prohibited, by state law, from carrying a concealed firearm

The law does not authorize a license holder to carry a concealed firearm into:

- any police station or sheriff's office;
- any detention facility, prison, or jail;
- any courthouse that contains only courtrooms, or any court proceeding (even if a license holder can carry a concealed firearm into the courthouse, he or she cannot carry one into a courtroom or other place where court is in session);
- any meeting of the General Assembly or a committee of the General Assembly, or of the governing body of a county, city, or special district;
- any portion of an establishment licensed to dispense beer or alcoholic beverages for consumption on the premises that is devoted primarily to that purpose;
- any elementary or secondary school facility without the consent of school authorities;
- any child-caring facility, any day care center, or any certified family child care home (except the owner of a certified child care home may carry a concealed firearm in his residence that is being used for such a home);
- any area of an airport where people and property are inspected; or
- any place where federal law prohibits it.

If a license holder carries a concealed firearm into any of the above places, he may be found guilty of the crime of Carrying a Concealed Deadly Weapon.

D. Places where license holders can be prohibited from carrying concealed deadly weapon

In addition to the above places where state law prohibits carrying a concealed firearm, certain persons and institutions can prohibit license holders from carrying any type of concealed deadly weapon onto their premises.

1. Private businesses, day care centers, family child care homes, or health care facilities

The owner, lessee, or manager of a private business, day care center, certified or licensed family child care home, or health care facility can prohibit license holders from carrying concealed deadly weapons on the premises (except rented or leased housing), including not only buildings but also parking lots and other land. If the property is open to the public, signs must be posted advising that carrying concealed deadly weapons is prohibited.

Carrying a concealed deadly weapon on these premises is not a crime, but the person can be prevented from entering or asked to leave if already on the premises. If the violator is an employee, the employee may be disciplined. Private employers may prohibit license-holding employees and other persons from carrying concealed deadly weapons or ammunition in vehicles owned by the employer. The Justice Cabinet may prohibit an employee from carrying unauthorized weapons or ammunition in vehicles when transporting persons under the employee's supervision.

2. Colleges, universities, and post-secondary education facilities

Colleges, universities, and post-secondary education facilities (including technical schools and community colleges) have the right to control the possession of deadly weapons (concealed or unconcealed) on property owned or controlled by them.

3. State, city, county, or urban-county governments

The legislative body of the state or of a city, county, or urban-county government may prohibit or limit license holders from carrying concealed deadly weapons in those parts of buildings owned or controlled by that unit of government. Any such restrictions must exempt the following places: (1) buildings used for public housing by private persons; (2) highway rest areas; (3) firing ranges; and (4) private dwellings owned or controlled by that unit of government. Signs must be posted at the entrance to areas where carrying concealed is prohibited or limited. Carrying a concealed deadly weapon into one of these prohibited areas is not a crime, but the person may be prevented from entering the area or asked to leave if already in the area. If the violator is an employee, that employee may be disciplined.

E. License holders who are under a domestic violence order

If a domestic violence order (for example, an EPO) is issued by a court against a license holder, the license holder must surrender the license to the court or to the law enforcement officer who serves the order. The court will explain how and when the license will be returned.

F. Carrying a loaded firearm in a bar; restaurant exception

State law (KRS 244.125) prohibits anyone, including a license holder, from possessing a loaded firearm, whether concealed or in the open, in a room where alcoholic beverages are being sold by the drink. This prohibition does not apply to restaurants open to the general public that seat at least 50 people and receive at least half of their gross annual income from the sale of food.

V. Miscellaneous Provisions

A. Carrying concealed in another state; non-residents carrying concealed in Kentucky

Whether a Kentucky license holder can legally carry a concealed deadly weapon into another state depends completely upon the law in the other state. License holders from another state have the right to carry concealed in Kentucky subject to the same provisions as a Kentucky license holder.

B. Release of names of license holders

The Kentucky State Police must maintain a list of all license holders with pertinent information which is available to all Kentucky law enforcement agencies. This information is confidential and is not available to anyone except law enforcement agencies. Others can obtain a list of names (without an address or any other identifying information) of all license holders in Kentucky. The names of the persons requesting such a list is a public record.